

REMARKS

The various issues set forth in the Office Action are addressed in turn below.

35 U.S.C. 112, Sixth Paragraph

The Examiner first questions whether Applicant intended to invoke the provisions of 35 U.S.C. 112, sixth paragraph, because of use of the phrase “means for” in a number of the claims. For the record, Applicant has not intended to invoke paragraph 6 in any of the claims as evidenced by the use of modifying terms that recite structure, material or acts for achieving the specified function. As set forth in MPEP 2181, the following 3 prong test is employed to determine whether the sixth paragraph of 35 U.S.C. 112 is invoked:

“A claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

(A) the claim limitations must use the phrase "means for" or "step for;"

(B) the "means for" or "step for" must be modified by functional language; and

(C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function.”

In the present case, Applicant respectfully disagrees with the Examiner’s contention that the 3rd prong of the test above is satisfied. In all instances in the claims, the phrase “means for” is indeed modified by sufficient structure for carrying out the noted function. In particular, the means for supporting is a “seating” means and the means for opening and closing is an “actuation” means. For these reasons, Applicant respectfully submits that 35 U.S.C. 112, sixth paragraph is not being invoked in any of the claims.

Claim Rejections Under 35 U.S.C. § 102(a)

The examiner has maintained the rejection of claims 1-8 and 16-20 under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 6,558,605 to Volkert, although Applicant assumes the Examiner meant to reject claims 1, 3-8 and 16-20 since claim 2 was cancelled in the last

Amendment. Applicant continues to disagree with the Examiner's assertions but in an effort to advance prosecution of the application, Applicant has once again amended claim 1 to more clearly define the invention over Volkert.

At the outset, the Examiner's comments pertaining to claim 1 do not appear to take into consideration the subject matter added in the previous Amendment. However, in a spirit of advancing this application, the examiner's comments as a whole have been taken into consideration and it is generally understood therefrom that by considering each bank 40, 44 of Volkert's grippers to be a "clamping mechanism," Volkert's arrangement could be interpreted to read on claim 1. That being said, Volkert's arrangement results in the panels being spaced-apart in a direction which is perpendicular to the direction of spacing of its so-called clamping mechanisms whereas Applicant's arrangement results in its panels being spaced-apart in generally the same direction as the spacing of its clamping mechanisms.

To make this distinction, claim 1 as now amended recites that the "relatively movable jaws provide a clamping motion in generally the same direction as the spacing of the clamping mechanisms." Support for this language is found on page 3, lines 15-19 of the specification. This is not simply a difference in the orientation of a spacing direction, but rather precludes an interpretation of the Volkert arrangement wherein the banks 40, 44 of Volkert's grippers are deemed the equivalent of Applicant's "clamping mechanisms," since the clamping motion in such a Volkert interpretation would not be in generally the same direction as the spacing of the clamping mechanisms, but rather would be perpendicular thereto. Therefore, it cannot be said that the aforementioned interpretation of Volkert is applicable to claim 1 as amended.

As previously indicated, Applicant's claim 1 is directed to a clamping cartridge which is roughly the equivalent of one of the banks of grippers of Volkert. However, Volkert's gripper

“pairs” (40B and 40A, 40C in Fig. 4) are not biased towards a closed position independently of other pairs in the same bank and whereby the “actuation means” is required to act against the independent closing biases to effect opening and closing.

Accordingly, Applicant respectfully submits that claim 1 as amended is neither anticipated by Volkert nor is rendered obvious to one skilled in the art. Dependent claims 3-8 and 16-20 include all of the limitations of claim 1 which patentably distinguishes over Volkert for the reasons given above and, accordingly, these claims are likewise believed to patentably distinguish over Volkert within the meaning of 35 U.S.C 102(a).

Obviousness Type Double Patenting

Finally, regarding the obviousness type double patenting rejection of the claims 1 and 16-20 over the claims in commonly owned US Patent 7,249,682, a Terminal Disclaimer Under 37 CFR 1.321 is being submitted herewith which overcomes this rejection.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance. Accordingly, favorable reconsideration of the application is respectfully requested.

Respectfully submitted,

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